

REMARKS/ARGUMENTS

In this, the first Action in the case, the Examiner rejected claims 1, 3, 5-19, 23-25, and 27 under 35 U.S.C. §102(e) over US Patent number 6,332,154 (Beck, et al.). This rejection is respectfully traversed.

Claims 1 and 18 are independent, and the other claims refer to claims 1 and 18. Therefore, all subsequent remarks regarding claims 1 and 18 apply to the other claims as well.

Claim 1 recites putting a communication from a user's terminal on hold, customizing a computer program for the user, and downloading the customized program to the terminal for execution by the terminal while the terminal's communication is on hold. Similarly, claim 18 recites having a communication between a user's terminal and a communications entity put on hold by the communications entity, receiving at the terminal a computer program customized for the user from the communications entity, and executing the received computer program at the terminal while the communication is on hold. The illustrative example given in the application is that of a client computer that is communicating with a call center. The call center customizes an applet for the client, downloads it to the client computer, and puts the communication with the client on hold. The applet then executes on the client computer while the communication is on hold.

Nothing of this nature is disclosed by Beck, et al. Beck, et al. disclose a call center that can communicate with a client by using various media. The call center can execute a self-help wizard that interacts with the client. The wizard can be customized for the client. The call center can download to the client various media communications applications to enable the client to communicate with the call center in the various media. It is the wizard and not the media communications applications that is customized for the client. Contrary to the requirements of the claims, the wizard executes in the call center and not in the client. Also, contrary to

the requirements of the claims, the wizard and the media communications applications execute while the client and the call center are in active communication with each other, not while the client is on hold. In fact, Beck, et al. has nothing to say about the client being on hold, either in general or specifically in the passages of Beck, et al. referenced by the Examiner for this proposition. It should therefore be evident that Beck, et al. bears only peripheral relevance to the claimed invention and does not disclose, teach, or suggest the claimed invention.

The Examiner next rejected claims 2, 4, 20-22, and 26 under 35 USC §103(a) over Beck, et al. in view of US Patent No. 6,064,491 (Matsumoto). This rejection is also respectfully traversed.

The Examiner cited Matsumoto for supplementing the teaching of Beck, et al. by teaching the ceasing of execution in response to a communication being taken off hold. This is not correct. Matsumoto discloses a facsimile apparatus that is connected to a host computer by a communications interface via which the host computer can control the facsimile apparatus. The facsimile apparatus can operate in one of two modes: on-line and off-line. In response to a first command from the host computer, the facsimile apparatus operates in the on-line mode wherein processing of commands from the host computer takes precedence over operations from the facsimile apparatus' own controller. In response to a second command from the host computer, the facsimile apparatus operates in the off-line mode wherein it operates as an ordinary facsimile apparatus under the control of its own controller. Again, nothing is said about on-hold or off-hold operation, or "ceasing execution in response to the off-hold." Thus, Matsumoto does not supplement the teachings of Beck, et al. in any way relevant to the claimed invention.

But even if Matsumoto could somehow be interpreted to disclose "ceasing execution in response to the off-hold," as suggested by the Examiner, Matsumoto would still not compensate for Beck, et al.'s

fundamental failure to disclose, teach, or suggest the basic invention of the independent claims, as discussed above. Hence, the combined teachings of Beck, et al. and Matsumoto also fail to disclose, teach, or suggest the claimed invention.

In view of the above remarks, applicants assert that the Section 102(e) and 103(a) rejections of their claims are not well founded, and they request that these rejections be withdrawn.

The Examiner's rejections having been properly addressed and disposed of, applicants suggest that the application is now in condition for allowance. Applicants therefore request that the application be reconsidered and thereafter be passed to issue.

Applicants believe that the foregoing is dispositive of all issues in the application. But, if the Examiner should deem that a telephone interview would advance prosecution, applicants request the Examiner call their attorney at the telephone number listed below.

Respectfully submitted,

A.D. Flockhart
E.P. Mathews
J.Z. Taylor

By 
David Volejnicek
Corporate Counsel
Reg. No. 29355
303-538-4154

Date: 11 Sept. 2003

Avaya Inc.
Docket Administrator
307 Middletown-Lincroft Road
Room 1N-391
Lincroft, NJ 07738